

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-cv-10573-RWZ

JOSEPH SCHMITT,  
Plaintiff,

v.

MASSACHUSETTS DEPARTMENT OF  
CORRECTION, et al.,

Defendants.

**MOTION TO STAY ALL FURTHER PROCEEDINGS PENDING THE  
OUTCOME OF DEFENDANTS' RENEWED MOTION TO DISMISS**

Without waiving the requirement of personal service of any defendant pursuant to the Federal Rules of Procedure, defendants Dennehy and the Department of Correction hereby move to stay all further proceedings pending the outcome of defendants' Renewed Motion to Dismiss, filed with this Court on March 23, 2007. As grounds therefore, counsel for said defendants states that the interests of judicial economy would best be served by a stay of all matters pending the outcome of this motion.

As reasons therefore, the defendant states that should the Court grant the defendants' motion, this would obviate dealing with any future discovery contemplated. Even in the unlikely event that the plaintiff's Complaint were not entirely dismissed, the Court's ruling on the defendants' dispositive motion would frame any remaining issues and dictate the breadth of any corresponding discovery.

The defendants assert that for the reasons set forth the Renewed Motion to Dismiss all of the plaintiff's remaining claims are dismissable as a matter of law without the need for discovery. Under such circumstances, any discovery propounded by the plaintiff would be irrelevant, an annoyance and an undue burden or expense.

Wherefore, Defendants request that the Court stay all further proceedings in this case, including discovery, pending a ruling on defendants' Renewed Motion to Dismiss.

Dated: March 26, 2007

Respectfully submitted,

NANCY ANKERS WHITE  
Special Assistant Attorney General

/s/ Jody T. Adams

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true copy of the above document was served on plaintiff, pro se, via first class mail.

Dated: 3/26/2007

/s/ Jody T. Adams

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Jody T. Adams, Counsel